



Application No. 09/595,005

RD-27442

1631

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

In re the Application of

CAWSE et al..

Group Art Unit: 1631

Application No.: 09/595,005

Examiner: Channing S. Mahatan

Filed: June 16, 2000

For: HIGH THROUGHPUT SCREENING METHOD AND SYSTEM

REQUEST FOR RECONSIDERATION AND ENTRY OF APPLICANTS' JULY 23  
AMENDMENT

Commissioner for Patents  
Washington, D. C. 20231

Attention: Technical Center 1600

Sir:

In response to the Office Communication dated September 10, 2002, reconsideration and entry of Applicants' July 23, 2002 Amendment are requested for the following reasons:

The PTO's September 10 communication refused entry of Applicants' July 23 amendment.

Applicants traverse this holding.

The September 10 PTO communication states that "'forming a first population of mixture entities and detecting a catalytic property of ... is a non-elected specie." This is incorrect. The May 20, 2002 Office Action (paper No. 9) defined applicants' election as "Group I (Claims 1 – 33 and 40; drawn to a method of classification), Species A-1 (Claim 3; random identification of population of entities); and species B-5 (Claim 2; mutation, crossover, and selection)...." Office Action page 2, lines 1 to 4. The July 23, 2002 amendment is not to a non-elected group species. The July 23 amendment retains claims to the classification method (only changing the scope of the generic claim within the classification method from "synthesizing" to -forming-); retains species A-1 (Claim 3); and retains species B-5 (Claim 2). The amendment is an amendment of right under 37

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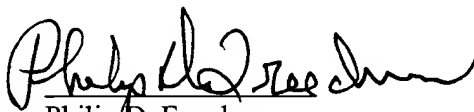
C.F.R. 1.111(a)(1) within the elected species and must be entered under 37 C.F.R. 1.111(a)(1).

If the PTO remains of the opinion that “forming a first population of mixture entities and detecting a catalytic property... of” is a non-elected specie,” the PTO is specifically requested to identify the species of the amended claims from the list of the September 25, 2001 restriction requirement.

The PTO’s September 10 communication also states that “Applicants are further reminded that the previous office action, Paper No. 9 mailed 20 May 2002, indicated an objection to disclosure of Table 5, regarding line spacing, which has not been corrected.” Applicants have responded to this objection by rewriting the specification page 15, lines 1 to 3. Applicants did not interpret the objection as requiring change to TABLE 5 since specific line spacing is not required in a table. See 37 C.F.R. 1.58. Hence Applicants traverse this objection to any extent it is interpreted as requiring change to TABLE 5.

For these reasons, reconsideration of the September 10 communication and entry of Applicants’ July 23 amendment are requested.

Respectfully submitted,



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